THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.13809 of 2007

02.7.2007

Between:

Patan Abdulla Khan, S/o.Modin Khan
And others

… Petitioners

AND

The District Collector, Kadapa District, Kadapa
And others.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.13809 of 2007

ORDER:

The petitioners are residents of Chennampalli village of Badvel Mandal of Kadapa District. They allege that they are houseless poor persons and considering their applications, the then Tahsildar, Badvel, issued house site pattas in the year 1980 assigning land admeasuring Acs.0.04 each. This land is comprised in survey Nos.1768 and 1772 of the village. The petitioners have also given the particulars of plot numbers, which were assigned to them in February 1980. They allege that when they were about to raise huts/thatched houses, the Tahsildar, Badvel, by beat of tom-tom announced in the village that construction should not be taken up as the Sarpanch of the village raised objection. Thus, from 1980 to 1993, allegedly, they could not take up construction. In 1993, they approached the respondents 1 and 2 for permission to construct houses. Though the first respondent directed third respondent to enquire into the matter and submit a report, there was no response. In December 2006, they got issued a legal notice requesting permission for construction of houses and as they did not receive any reply, they filed the instant writ petition seeking a writ of Mandamus declaring the action of respondents in not permitting the petitioners to construct houses on the land, which was granted by way of house site pattas.

This Court has heard the learned counsel for the petitioner and learned Assistant Government Pleader for Revenue (Andhra). Admittedly all the petitioners were granted house sites in February 1980. If they were not permitted by the Tahsildar, Badvel, to construct houses, immediately thereafter nothing prevented them to approach the higher authorities or this Court for necessary permission especially when as per the terms of assignment, the allottee is required to complete the construction of house within a period of six months from

the date of allotment. Secondly, even if there was an objection from the Sarpanch, as a result of which, Tahsildar stopped construction, for the last twenty years the petitioners did not seek allotment of alternative sites. Presumably, for the reason that the land values have gone up, they now started raking up the issues. The writ petition, filed after lapse of about twenty-seven years after date of assignment of land, cannot be entertained. It is, however, open to the petitioners to approach the authorities for necessary redressal.

The writ petition, with the above observations, is dismissed. No costs.

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(**V.V.S.RAO, J**)

July 02, 2007
YS